

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

JAMES M. HAMLET,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:09-CV-184
)	
TIME SERVICES, INC.,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court on Plaintiff James M. Hamlet’s Amended Employment Discrimination Complaint. (DE 4.) Plaintiff filed this lawsuit on July 6, 2009, asserting that Defendant Time Services, Inc. refused to hire him due to his race.

Plaintiff’s Amended Employment Discrimination Complaint includes only a paragraph describing that he belongs to a racial minority group, was qualified for the position he sought, that the Defendant rejected his applications, and that the Defendant either filled the position with someone not of the same racial minority or left the position open. The amended complaint also attaches his Notice of Right to Sue. The amended complaint omits his original allegations.

“It is axiomatic that an amended complaint supercedes an original complaint and renders the original complaint void.” *Flannery v. Indus. Ass’n of America*, 354 F.3d 632, 638 n.1 (7th Cir. 2004). Here, Plaintiff is entitled under Fed. R. Civ. P. 15(a)(1) to amend the complaint as a matter of course. However, if I were to permit the Amended Employment Discrimination Complaint to supercede the original Complaint, the allegations in the Complaint and attachments to those allegations would be expunged. As Plaintiff filed the amended complaint as a “Supplement” and he labels the one paragraph in the filing as number 5, it appears that he seeks

to supplement rather than abandon them. Therefore, out of an abundance of caution, and bearing in mind Plaintiff's *pro se* status, I will afford Plaintiff an opportunity to resubmit his amended complaint to include all of his claims.

The Court hereby **DIRECTS PLAINTIFF TO RE-FILE** his Amended Complaint to include all allegations and exhibits he intends to bring **no later than September 2, 2009**.

SO ORDERED.

ENTERED: August 12, 2009.

s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT